IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

CALVIN MCGOWAN,)
Plaintiff,)
v.) Civil No. 3:04-0996) Judge Trauger
DELL COMPUTER CORPORATION, CLARK PONTHIER, GREG KELLY, JAMES KERIAN, KEVIN BROWN, RON JARVIS, KEN FORTE, BERNIE DAVIS, JEFF HELLUMS, and MICHELE BUTLER,) Magistrate Judge Griffin)))))
Defendants.)

ORDER

On August 31, 2005, the Magistrate Judge issued a Report and Recommendation, recommending the disposition of several pending motions. (Docket No. 51) No timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** as follows:

- 1. The Plaintiff's Motion for Reconsideration of Entry of Default and Motion for Default Judgment (Docket No. 35) is **DENIED**.
- 2. The Defendants' Motion to Strike or Disregard (Docket No. 45) is **GRANTED**.
- 3. The Defendants' Motion to Dismiss (Docket No. 39) is **GRANTED IN PART** and **DENIED IN PART**. The claims against all individual defendants under Title VII and the Tennessee Human Rights Act are **DISMISSED**. All claims against defendants Ponthier, Hellums, Brown and Davis are **DISMISSED**.

What remains in this case are all claims against defendant Dell Computer Corporation and the claims against defendants Kelly, Kerian, Jarvis, Forte and Butler under 42 U.S.C. § 1981.

This case is referred back to the Magistrate Judge for further handling under the original referral order.

It is so **ORDERED.**

Enter this 19th day of September 2005.

ALETA A. TRAÚGER U.S. District Judge